

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NEPTUNE TECHNOLOGIES &
BIORESSOURCES, INC., and
L'UNIVERSITÉ DE SHERBROOKE,

Plaintiffs,

v.

AKER BIOMARINE ASA and AKER
BIOMARINE ANTARCTIC AS,

Defendants.

Case No. 1:09-cv-11946-MLW

AKER BIOMARINE ANTARCTIC AS,

Counterclaim Plaintiff,

v.

NEPTUNE TECHNOLOGIES &
BIORESSOURCES, INC., and
L'UNIVERSITÉ DE SHERBROOKE,

Counterclaim Defendants.

STIPULATION AND ORDER OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs and Counterclaim Defendants Neptune Technologies & Bioressources, Inc. and L'Université de Sherbrooke (collectively, "Plaintiffs") and Defendants Aker BioMarine ASA ("AKBM")¹ and Aker BioMarine Antarctic AS ("AKAS") (collectively, "Defendants") by and through their undersigned counsel, hereby stipulate and agree that Plaintiffs' claims against Defendants in the above-captioned action shall be dismissed with prejudice. Plaintiffs and AKAS further stipulate that AKAS's counterclaims against Plaintiffs in the above-captioned action shall be dismissed

¹ Aker BioMarine ASA currently operates as Aker BioMarine AS.

with prejudice except that dismissal of AKAS's counterclaims shall be without prejudice to refile those claims if Neptune later accuses AKBM or any of AKBM's suppliers, distributors, customers, AKBM krill based products manufacturers or encapsulators, users and purchasers of products, employees, Board members and providers of logistics importation, and sales services of infringement of any existing or future patent owned or controlled by Neptune or its successors anywhere in the world having U.S. Provisional Patent Application No. 60/307,842 filed July 27, 2001 and International PCT Patent Application PCT/CA2002/001185 (WO/2003/011874) filed July 29, 2002 as ancestors, including all foreign counterparts, continuations, continuations in part, and divisions of any such patents. The parties shall each bear their own attorney fees and costs incurred in connection with this action.

STIPULATED and AGREED this 5th day of February, 2014.

NEPTUNE TECHNOLOGIES &
BIORESSOURCES, INC., and
L'UNIVERSITÉ DE SHERBROOKE

By their attorneys,

/s/ Vinita Ferrera

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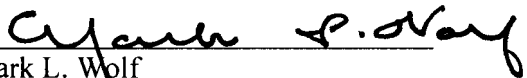
AKER BIOMARINE ASA and
AKER BIOMARINE ANTARCTIC
AS

By their attorneys,

/s/ Peter E. Gelhaar

Peter E. Gelhaar (BBO# 188310)
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SO ORDERED, this 11th day of February, 2014.



Hon. Mark L. Wolf
Senior United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

Dated: February 5, 2014

/s/ Peter E. Gelhaar
Peter E. Gelhaar